# NATIONWIDE PERMITS

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# Nationwide Permits

Nationwide permits (NWPS) are a type of general permit issued by the Chief of Engineers and are designed to regulate with little, if any, delay or paperwork certain activities having minimal impacts. The NWPs are proposed, issued, modified, reissued, and revoked from time to time after an opportunity for public notice and comment.

# Activities Authorized

- Utility Lines
- Bank Stabilization
- Linear Transportation Projects
- Minor Discharges and Dredging
- Residential, Commercial, and Institutional Dev.
- Recreational Facilities
- Stormwater Management
- Mining Activities

# Terms and Conditions

An activity is authorized under a NWP only if that activity and the permittee satisfy all of the NWPs terms and conditions. Activities that do not qualify for authorization under an NWP still may be authorized by an individual permit.

# Discretionary Authority

District and Division Engineers have been delegated a discretionary authority to suspend, modify, or revoke authorizations under an NWP. If the DE finds that the proposed activity would have more than minimal individual or cumulative net adverse effects on the environment or otherwise may be contrary to the public interest, he shall modify the NWP authorization to reduce or eliminate those adverse effects, or he shall instruct the prospective permittee to apply for an

# Notifications

In some cases, permittees may proceed with activities authorized by NWPs without notifying the DE. However, the prospective permittee should carefully review the language of the NWP and the general and regional conditions to ascertain whether he must notify the DE prior to commencing the authorized activity. For NWPs requiring advance notification, such notification must be made in writing prior to commencing the proposed activity.

# Authorizations

The prospective permittee shall not begin the activity:

1) Until notified in writing by the DE; or

2) If notified in writing by the DE that an individual Permit is required; or

3) Unless 45 days have passed from the DE's receipt of a complete notification and the permittee has not received a written notice from the DE.

# NWP Process

## provisional vs. final authorization

Corps Process is essentially the same.

Provisional Authorizations contain a special condition requiring SCDHEC review and certification.

- Receive a notification
- Review for completeness
- Request additional information
- Determine complete, i.e. meets terms and conditions.
- Draft Authorization Letter.
- Route for Signature.
- Copy furnish SCDHEC/OCRM and other agencies.

# Expiration and Re-issuance

- NWP's issued on March 18, 2002 are set to expire on March 18, 2007, unless they are modified or re-issued.
- All existing NWP's are scheduled to be modified, re-issued or revoked prior to March 18, 2007.
- Proposing to increase 30 day PCN review period to 45 days to conform with General Condition #13.

# NWP checklists & tear sheets

- NWP checklists – tool to assist consultants and project managers in determining a notification is complete and assuring that the activity meets the terms and conditions for the NWP.
- NWP tear sheets – tool to expedite authorization of activities that qualify for NWP. Avoids having to draft an authorization letter and reduces administrative requirements.

- **U.S. Army Corps of Engineers - Charleston District**
- **Checklist for 2002 Nationwide Permit Review**
- **Nationwide Permit 39**
- **Residential, Commercial, and Institutional Developments**
- **(10/404)**
- SAC #:_____
- Applicant Name:_____
- Waterway/Location:_____
- Project Name:_____
- 1. Is the proposal for the discharge of dredged or fill material into non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters, for the construction or expansion of residential, commercial, and/or institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures?
- Yes __ No
- 2. Does the discharge cause the loss of **greater than** 1/10 acre of non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters?
- – Yes* No
- 3. Does the discharge cause the loss of **less than** 1/10 acre of non-tidal waters of the U.S., excluding non-tidal wetlands adjacent to tidal waters?
- Yes No
- 4. Does the discharge cause the loss of greater than 1/2 acre of waters of the U.S.?
- __ Yes No
- 5. Is the discharge proposed in a designated critical resource water or its adjacent wetlands?
- __ Yes No
- 6. Is the discharge for construction of new oil or gas wells?
- __ Yes No
- 7. Does the discharge cause the loss of more than 300 linear feet of streambed?
- __ Yes No

# NATIONWIDE PERMIT VERIFICATION

SAC#_____ WATERSHED #_____ COUNTY_____, SC

Project Name:_____
Property Owner:_____
Authorized Agent: _____
Owner/Agent Address:_____
_____
_____Telephone Number: _____

Location of Project:_____
_____
_____
Description of Impacts: (road crossings, subdivision, utility crossings, etc.) _____
_____
The project involves not more than _____ acres of Waters of the U.S. and/or _____ linear feet of streams, included wetlands.

Drawing Sheets _____ of ____ Dated _____

Mitigation Required __ YES __NO (If YES, the terms and conditions of the mitigation as specified on the Mitigation Requirements Form becomes part of this authorization.)

Special Conditions: __ YES ___ NO (If yes, the special conditions on the attached Special Conditions Form become part of this authorization.)

Applicable Law: ___ Section 404 (Clean Water Act, 33 USC 1344)
___ Section 10 (Rivers and Harbors Act, 33 USC 403)
Authorization: Nationwide Permit Number: _____

It has been determined that the proposed activity will result in minimal individual and cumulative adverse environmental effects and is not contrary to the public interest. Furthermore, the activity meets the terms and conditions of Department of the Army Nationwide Permit listed above provided it is accomplished in strict accordance with the attached conditions and submitted plans. Any violation of the conditions or deviation from your submitted places may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification is valid until the Nationwide Permits (NWP) expire or for two (2) years, whichever comes first. The time specified for this authorization will remain valid if the Nationwide Permit(s) is reissued without modification, or the activity complies with any subsequent modification; however, the provisions of 33 CFR 330.6(b) will apply if the Nationwide Permit expires, is suspended or revoked, or is modified such that the activity no longer complies with the original terms and conditions. In general, these provisions provide that if the work authorized by this letter has commenced in accordance with the requisite terms and conditions or you, acting in reliance of this Nationwide Permit, have entered into a contract to have the work performed prior to such date, this authorization will remain in effect if the work can be completed within twelve months of the date of the Nationwide Permit's expiration, modification or revocation unless discretionary authority has been exercised in accordance with 33 CFR 330.4(c) or (d).

The permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.

Signature of Corps of Engineers Representative_____

Date: _____

# NWP 3-Maintenance

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure or fill, provided that the structure or fill is not to be put to uses differing from those specified or contemplated for it in the original permit or the most recently authorized modification.

# NWP 12-Utility Line Activities

Activities required for the construction, maintenance, and repair of utility lines and associated facilities in waters of the US:

- Utility Lines
- Utility Line Substations
- Foundations (for overhead utilities)
- Access Roads

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# NWP 13-Bank Stabilization

Bank stabilization activities necessary for erosion prevention:

- Rip-Rap
- Bulkheads
- Generally 500 feet or less not exceeding

  1 cubic yard per linear foot

# NWP 14-Linear Transportation Projects

Activities required for the construction, expansion, modification, or improvement of linear transportation crossings in waters of the US:

- Highways
- Railways
- Trails
- Airport runways and taxiways

# NWP 32-Completed Enforcement Actions

Any structure, work or discharge of dredged or fill material, remaining in place, or undertaken for mitigation, restoration, or environmental benefit in compliance with either:

# NWP 39-Residential, Commercial, and Institutional Development

Activities required for the construction or expansion of residential, commercial, and institutional building foundations/pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include but are not limited to:

- Roads, Parking Lots, Garages, Yards,
- Utility Lines, Stormwater Management

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# NWP 43-Stormwater Management Facilities

Activities required for the construction and maintenance of stormwater management facilities including activities for the excavation of stormwater ponds, retention/detention basins; the installation and maintenance of water control structures, outfall structures and emergency spillways: and the maintenance dredging of existing stormwater management facilities.

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